

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CEDARCRESTONE, INC.,

Plaintiff/Counter-Defendant,

v.

**AFFILIATED COMPUTER
SERVICES, LLC n/k/a XEROX
BUSINESS SERVICES, LLC**

Defendant/Counter-Plaintiff.

Civil Action No. 3:12-cv-4673

**DEFENDANT XEROX BUSINESS SERVICES, LLC'S
MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Pursuant to Federal Rules of Civil Procedure, Rule 55 ("Rule 55"), Defendant Xerox Business Services, LLC ("Xerox" or "Defendant") moves the Court for entry of a default judgment as to Xerox's counterclaims against Plaintiff/Counter-Defendant CedarCrestone, Inc. ("CCI" or "Plaintiff"), and in support states the following:

1. On June 25, 2013, the Court granted Xerox's Motion for Leave to File First Amended Counterclaims, which were filed as of May 24, 2013. Defendant's First Amended Counterclaims included claims against CCI for breach of contract, fraud, declaratory relief and attorneys' fees. Plaintiff's answer was due on or before September 5, 2013, based on the Court's denial of CCI's Motion to Dismiss dated August 22, 2013.

2. Although Plaintiff had previously appeared in this case and was served with Defendant's First Amended Counterclaims, Plaintiff failed to timely file an answer to Defendant's First Amended Counterclaims on or before September 5, 2013, or at any time since then. Accordingly, Xerox is entitled to a default judgment against CCI pursuant to Rule 55.

CONCLUSION

Based on the foregoing, Defendant Xerox Business Services, LLC respectfully requests that the Court enter a default judgment against CCI and in Xerox's favor as to all of Xerox's counterclaims of (1) breach of contract; (2) fraud; (3) declaratory judgment; and (4) attorneys' fees as set forth in Defendant's First Amended Counterclaims, and grant Defendant such other and further relief to which it is entitled.

Date: March 2, 2015

Respectfully submitted,

Ann Marie Arcadi

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SERVICES, LLC**

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Texas, I hereby certify that on the 2nd of March, 2015 a copy of the foregoing was sent to counsel of record for all parties pursuant to the Court's ECF system.

/s/ Ann Marie Arcadi

Ann Marie Arcadi